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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,658

10/17/2006

Jean-Marc Scherrer

0502-1040

3786

466 7590 02/02/2010

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EXAMINER

KIM, PAUL D

ART UNIT

PAPER NUMBER

3729

NOTIFICATION DATE

DELIVERY MODE

02/02/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com



### **DETAILED ACTION**

This office action is a response to the amendment filed on 10/1/2009.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by De Puy (US PAT. 3,466,746).

De Puy teaches a process of making a spiral coil from a tubular blank (1, as shown in Fig. 1) of polygonal cross-section comprising steps of: machining, in a first series of passes, a first series of cuts substantially parallel to one another through all of the sides (as shown in Figs. 1D and 2) of the tubular blank with the exception of a last one of the sides (a top portion, as shown in Fig. 2); and machining, in a second series of passes, a second series of cuts in the last one of the sides in order to ensure that junctions of the first series of cuts open out in the sides adjacent to the second series of cuts (a left portion, as shown in Fig. 2), so that the first and second series of cuts are continuous with respect to one another and constitute a single groove of helicoidal shape as shown in Figs. 1D and 2 (see also col. 2, line 70 to col. 3, line 48).

Re. Claim 5: The first series of cuts are substantially perpendicular to a lengthwise direction of the cylindrical tubular metal element, and the second series of cuts are inclined from each of the first series of cuts as shown in Figs. 1D and 2.

Re. Claim 6: The first series of cuts cut entirely along an entire face of the all of the sides with the exception of the last one of the sides as shown in Figs. 1D and 2.

Re. Claim 7: The second series of cuts cut entirely along an entire face of the last one of said sides as shown in Fig. 2.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis (US PAT. 3,656,378).

Davis teaches a process of making a spiral shape winding from a tubular member (22, as shown in Fig. 1) of polygonal cross-section comprising steps of: machining, in a first series of passes, a first series of cuts substantially parallel to one another through all of the sides (50, as shown in Figs. 8-12) of the tubular blank with the exception of a last one of the sides (a top portion, as shown in Fig. 10); and machining, in a second series of passes, a second series of cuts in the last one of the sides in order to ensure that junctions of the first series of cuts open out in the sides adjacent to the second series of cuts (a top portion, as shown in Fig. 10), so that the first and second series of cuts are continuous with respect to one another and constitute a single groove of helicoidal shape as shown in Figs. 8-12 (see also col. 2, line 36 to col. 3, line 22).

Re. Claim 2: The machining of the cuts is ensured by means of a rotary machining disc (45) as shown in Figs. 11 and 12.

***Response to Arguments***

4. Applicant's arguments filed 10/1/2009 have been fully considered but they are not persuasive. Applicant argues that the prior art of record, De Puy, fails to disclose the claimed invention such as machining the first and second series of cuts in first and second series of passes. Examiner traverses the argument. De Puy teaches machining, in a first series of passes, a first series of cuts substantially parallel to one another through all of the sides and machining, in a second series of passes, a second series of cuts in the last one of the sides in order to ensure that junctions of the first series of cuts open out in the sides adjacent to the second series of cuts such as a left portion, as shown in Fig. 2. Also, applicant argues that Davis fails to disclose a first series of cuts substantially parallel to one another through all of the sides of the tubular blank with the exception of a last one of the sides. Examiner traverses the argument. Davis teaches that the each of the side walls cuts at the same time, not individually (col. 2, lines 60-65).

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D. Kim whose telephone number is 571-272-4565. The examiner can normally be reached on Monday-Thursday between 6:00 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul D Kim/  
Primary Examiner, Art Unit 3729